UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,943	01/22/2001	John K. Gallant	RIC00016	3388

25537   7590   07/01/2009
VERIZON
PATENT MANAGEMENT GROUP
1320 North Court House Road
9th Floor
ARLINGTON, VA 22201-2909

EXAMINER
MOORE, IAN N

ART UNIT	PAPER NUMBER
2416	

NOTIFICATION DATE	DELIVERY MODE
07/01/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@verizon.com

UNITED STATES PATENT AND TRADEMARK OFFICE

_____

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

_____

Ex parte JOHN K. GALLANT, THOMAS GLENN HALL, JR.,
and STEVEN R. DONOVAN

_____

Appeal 2008-5119
Application 09/766,943
Technology Center 2400

_____

Decided:[1] June 29, 2009

_____

Before JOSEPH F. RUGGIERO, ROBERT E. NAPPI,
and ELENI MANTIS MERCADER, *Administrative Patent Judges.*

MANTIS MERCADER, *Administrative Patent Judge.*

DECISION ON APPEAL

---

[1] The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, begins to run from the decided date shown on this page of the decision. The time period does not run from the Mail Date (paper delivery) or Notification Date (electronic delivery).

STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134 of the Examiner's final

rejection of claims 1-50 and 54-65. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

INVENTION

Appellants' claimed invention is directed to a policy server system for

managing bandwidth usage in an Asynchronous Transfer Mode (ATM) network

(Spec. 7:11-14). The policy server determines whether a call connection can be

made or not depending on the triggers associated with a signaling message and

wherein a particular feature is invoked and executed by the policy server (Spec.

7:14-21). Examples of such features include burst-size limit, class-of-service

provisioning, maximum concurrent calls connections in progress, and bandwidth

control (Spec. 7:23-8:7).

Claim 1, reproduced below, is representative of the subject matter on appeal:

1. An intelligent policy server method in an Asynchronous Transfer Mode
(ATM) network having an ingress switch and an egress switch, wherein said
ingress switch serves an ingress device operated by a calling party and said egress
switch serves an egress device operated by a called party, comprising the steps of:
    receiving, in said ingress switch, a signaling message from said ingress
device;
    providing said signaling message to a signaling intercept processor
associated with said ingress switch;
    propagating said signaling message to a policy server, said policy server
including at least one policy profile associated with a plurality of policy features,
each policy profile of the at least one policy profile being associated with a
subscriber;

determining in said policy server, based at least in part on said signaling message,

if a particular policy feature of the plurality of policy features is to be invoked;

if so, determining whether a policy condition associated with said particular policy feature is satisfied with respect to said signaling message; and

establishing a connection path between said ingress switch and said egress switch based on said determination that said policy condition is satisfied by said signaling message.

THE REJECTIONS

The Examiner relies upon the following as evidence of unpatentability:

Horn	US 5,276,676	Jan. 4, 1994
VanDervort	US 5,761,191	Jun. 2, 1998
Kobayashi	US 5,896,371	Apr. 13, 1999
Kilkki	US 6,041,039	Mar. 21, 2000 (filed Mar. 20, 1997)
Farris	US 6,154,445	Nov. 28, 2000 (filed Sep. 17, 1997)
Gai	US 6,167,445	Dec. 26, 2000 (filed Oct. 26, 1998)
Smith	US 6,222,823 B1	Apr. 24, 2001 (filed Sep. 10, 1997)
Buyukkoc	US 6,463,062 B1	Oct. 8, 2002 (filed Dec. 23, 1998)
Basso	US 6,633,539 B1	Oct. 14, 2003 (filed Jul. 12, 1999)
Christie	US 6,690,656 B1	Feb. 10, 2004 (filed Mar. 25, 1999)
Noake	US 6,751,222 B1	Jun. 15, 2004 (filed Oct. 19, 1999)

The following rejections are before us for review:

1. The Examiner rejected claims 1-3, 5, 11, 12, 14-16, 18, and 31 under 35 U.S.C. § 102(e) as anticipated by Buyukkoc.

2. The Examiner rejected claims 4 and 17 under 35 U.S.C. § 103(a) as unpatentable over Buyukkoc in view of Noake.

3. The Examiner rejected claims 6, 8, 9, 19-21, 23, and 25 under 35 U.S.C. § 103(a) as unpatentable over Buyukkoc in view of Christie.

4. The Examiner rejected claims 7 and 22 under 35 U.S.C. § 103(a) as unpatentable over Buyukkoc in view of Farris.

5. The Examiner rejected claim 10 under 35 U.S.C. § 103(a) as unpatentable over Buyukkoc in view of VanDervort.

6. The Examiner rejected claim 10 under 35 U.S.C. § 103(a) as unpatentable over Buyukkoc in view of Horn.

7. The Examiner rejected claims 13 and 38 under 35 U.S.C. § 103(a) as unpatentable over Buyukkoc in view of Basso.

8. The Examiner rejected claims 24 and 26 under 35 U.S.C. § 103(a) as unpatentable over Buyukkoc in view of Christie and further in view of Gai.

9. The Examiner rejected claims 27-29 under 35 U.S.C. § 103(a) as unpatentable over Buyukkoc in view of Kobayashi.

10. The Examiner rejected claim 30 under 35 U.S.C. § 103(a) as unpatentable over Buyukkoc in view of Smith.

11. The Examiner rejected claims 32-37 under 35 U.S.C. § 103(a) as unpatentable over Buyukkoc in view of Kilkki.

12. The Examiner rejected claims 39-43, 45, 50, and 58 under 35 U.S.C. § 103(a) as unpatentable over Buyukkoc in view of Gai.

13. The Examiner rejected claim 44 under 35 U.S.C. § 103(a) as unpatentable over Buyukkoc in view of Gai and further in view of Noake.

14. The Examiner rejected claims 46-48 under 35 U.S.C. § 103(a) as unpatentable over Buyukkoc in view of Gai and further in view of Christie.

15. The Examiner rejected claim 49 under 35 U.S.C. § 103(a) under 35 U.S.C. § 103(a) as unpatentable over Buyukkoc in view of Gai and further in view of Farris.

16. The Examiner rejected claims 54-56 under 35 U.S.C. § 103(a) as unpatentable over Buyukkoc in view of Gai and further in view of Kobayashi.

17. The Examiner rejected claim 57 under 35 U.S.C. § 103(a) as unpatentable over Buyukkoc in view of Gai and further in view of Smith.

18. The Examiner rejected claims 59-64 under 35 U.S.C. § 103(a) as unpatentable over Buyukkoc in view of Gai and further in view of Kilkki.

19. The Examiner rejected claim 65 under 35 U.S.C. § 103(a) as unpatentable over Buyukkoc in view of Gai and further in view of Basso.

ANTICIPATION
ISSUE

1. Rejection of claims 1-3, 5, 11, 12, 14-16, 18, and 31

With respect to claims 1-3 and 5, Appellants contend that Buyukkoc does not disclose that routing status database (RSD) server 730 includes at least one policy profile associated with a plurality of policy features and where each policy

profile is associated with a subscriber (Br. 11). Appellants argue that Tables VII-IX of the RSD server 730 store information regarding the status of links and routes in asynchronous transfer mode (ATM) network 20, which is not associated with a subscriber (Br. 11). Appellants further argue that Buyukkoc does not disclose or suggest that the RSD is a service control point (SCP), much like Appellants' Multi-Service Control Point (MSCP), because in column 11, lines 13-15, Buyukkoc discloses that the RSD is accessed after the SCP, and thus, the RSD and the SCP are two separate devices (Br. 16-17). Appellants also argue that the colors associated with congestion (i.e., green, yellow, and red) as disclosed in column 14, lines 26-44, do not constitute a priority rule/policy or quality of service rule/policy (Br. 19).

With respect to claim 11, Appellants particularly argue that even if Buyukkoc's routing status database could reasonably be construed as corresponding to the recited policy server, which includes at least one policy profile associated with a plurality of policy features, where the plurality of policy features includes a particular policy feature comprising an aggregate bandwidth limit feature, then there would be no need for the routing status database to receive the bandwidth requirements since the routing status database would already contain this information (Br. 21).

With respect to claim 12, Appellants argue that the section of column 10, lines, 50-55 cited by the Examiner does not disclose the claimed feature of "a service class selection," but rather, discloses that the RSD performs out-of-network routing, class-of-service, and capacity management in a packet transport network

6

(Br. 22). Appellants repeat the same argument with respect to claim 31 (Br. 32-35).

With respect to claims 14-16 and 18, Appellants repeat the same arguments as those presented with respect to claim 1 (Br. 23-32). Appellants further argue that column 13, lines 29-67 of Buyukkoc does not disclose an RSD server 730 which is associated with a signaling intercept processor, but rather, regional routing status database servers (Br. 27).

The Examiner finds that Buyukkoc discloses propagating a signaling message (Fig. 8, Step 820; Fig. 10, step 1030; sends setup for a new call to RSD) to a policy server (Fig. 7, a link 770 to central RDS server 730, i.e., Signaling Control Point, SCP), including at least one policy profile having a plurality of policy features (col. 14, l. 9-col. 15, l. 50; col. 10, ll. 10-20; col. 11, ll. 1-16; col. 13, ll. 1-6 and 29-67; wherein the RSD contents consists of connection rules/policy such as connectively information, threshold, quality of service, capacity, and/or status of loading/congestion), and where each policy profile of the at least one policy profile being associated with a subscriber (col. 14, ll. 35-64; a quality of service rule/policy is one of the rule/policy associated with a call, where a call is associated with a user (Figs. 9 and 5; subscriber/customer)) (Ans. 29). The Examiner emphasizes that if Buyukkoc's request call is not associated with user/customer/subscriber (shown in Figs. 5 and 9) as argued by Appellants, then the Examiner is not sure with whom that call would be associated with (Ans. 30).

The Examiner further finds that Buyukkoc teaches that the policy server determines, based at least in part on the signaling message, if a particular policy feature of the plurality of policy features is to be invoked (Fig. 8, step 840; Fig. 10,

steps 1035 and 1040; col. 13, ll. 1-7; col.13, l. 64-col. 14, l. 67; Tables VII-IX; decide how to route the call in accordance with RSD contents by determining and triggering/invoking a particular/specific quality-of-service rule/policy of connection rules/policies for received call's priority of traffic) (Ans. 29).

The Examiner asserts that Appellants' policy server manages bandwidth by determining whether a call connection can be made through the network based on whether particular features are invoked (Ans. 31). The Examiner states that according to Appellants' examples, such features include burst-size limit, class-of-service provisioning, maximum concurrent call connections in progress, and bandwidth control (Ans. 31). The Examiner asserts that Buyukkoc similarly teaches managing the network based on routing features responsible for distributing load based on some rule or logic (Ans. 31). The Examiner refers to Buyukkoc's features of load balancing, overload control, and priorities for different quality-of-service traffic in order to manage the total bandwidth usage (Ans. 32-34). The Examiner cited Buyukkoc's column 11, lines 14-15, for the proposition that while the routing status database content is stored at the RSD, nonetheless Buyukkoc discloses that the same server can provide RSD and SCP functionality (Ans. 29).

The Examiner further finds that Buyukkoc's three congestion status ranges which are "green," "yellow," and "red" delineate an increasing order of congestion (Ans. 31). The Examiner asserts that Appellants' "at least one policy profile" is tantamount to Buyukkoc's "quality of service priority of a request call" (Ans. 33). Furthermore, the Examiner provides an example of a policy profile wherein if a

call arrives and all its possible paths are "red," the call may be blocked, depending upon its priority (Ans. 33).

The issue before us, then, is as follows:

Have Appellants shown that the Examiner erred by finding that Buyukkoc teaches the limitation of a "policy server including at least one policy profile associated with a plurality of policy features, each policy profile of the at least one policy profile being associated with a subscriber" as recited in independent claims 1 and 14; the limitation of a particular policy feature comprising "an aggregate bandwidth limit feature" as recited in claim 11; the limitation of "a service class selection feature" as recited in claims 12 and 31; and the limitation of "a policy server associated with said signaling intercept processor" as recited in claim 14?

FINDINGS OF FACT

The relevant facts include the following (FF):

1. Buyukkoc teaches that the Routing Status Database (RSD) contains connectivity information, alternate route information, information on the capacity of each route, and status of all the routes in the network, the data needed to manage routing features based on some rule or logic (col. 14, ll. 9-25 and Tables VII-IX show a sample RSD for the network).

2. Buyukkoc further teaches that Table VII contains information about the current usage of the α-link routes and contains three congestion status ranges, referred to as "green," "yellow," and "red" (col. 14, ll. 25-39).

3. Buyukkoc teaches that "green" means that there is plenty of capacity left, "yellow" means that the link is congested and alternate routes should be

used, and "red" means avoid using this route if at all possible (col. 14, ll. 39-44).

4. Buyukkoc further teaches that if a call arrives and all possible paths are "red," the call may be blocked depending on its priority (col. 14, ll. 43-44).

5. Buyukkoc also teaches a "Class-of-Service" indicator in addition to *"the origination and the destination information for the call"* (emphasis added) (col. 18, ll. 24-29).

6. Buyukkoc teaches that the RSD uses the route status in Table IX to give priority to more important calls (col. 18, ll. 29-30).

7. Buyukkoc teaches that if the route status is green, any call can use the route (col. 18, ll. 30-32).

8. Buyukkoc further teaches that if the route status is yellow, only high priority calls can use the route, and if the status is red, only the most critical calls can use the route (col. 18, ll. 32-34).

9. Buyukkoc teaches that when a new call arrives (i.e., call from a subscriber) at originating switch 270, the switch determines that the call is destined for switch 220, and the (origination, destination) information is passed to the RSD, which contains the information shown in Tables VII-IX (col. 17, ll. 31-34).

10. Buyukkoc teaches that if there are different bandwidth requirements associated with different types of calls, those are also passed to the RSD (col. 17, ll. 34-37).

11. Buyukkoc teaches that the RSD uses the information in Table IX to determine that the best route from switch 220 (i.e., subscriber) to switch 270

is B2, with a congestion status of "green" (col. 17, ll. 37-39).

12. Buyukkoc explicitly states that "*the same server* may provide *RSD and SCP* functionality" (emphasis added) (col. 11, ll. 14-15).

13. Buyukkoc teaches that the Centralized Fabric Network Interface (CFNI) collects information from Fabric Network Interface (FNI) that is present in each of the edge nodes, calculates the bandwidth used for all links, and *computes a link status* which then sends the information back to each FNI (emphasis added) (col. 2, ll. 37-52).

14. Buyukkoc teaches that the CFNI functionality can reside in a network database such as an SCP (col. 10, ll. 16, 18), and that the CFNI is an example of an RSD (col. 10, ll. 55-57).

15. Buyukkoc teaches that the CFNI is a central RSD (CRSD) (i.e., CRSDS 630 in Figure 6 and CRSDS 730 in Figure 7).

16. Buyukkoc discloses policy profiles for allowing an originating call to connect. Examples of such policies include the determination of a route congestion status. Even if the route congestion status is red, connection is permitted if the call is a high priority call in part based on the aggregate bandwidth feature (col. 13, ll. 32-47 and col. 13, ll. 66-67).

17. Claim 11 only requires that the "particular policy features comprises an aggregate bandwidth limit feature."

18. Buyukkoc further teaches that the CFNI or the central RSD (i.e., policy server) is performing "class-of-service" in a packet transport network (col. 10, ll. 52-57).

19. Buyukkoc teaches that the edge nodes 720 are connected to the regional

routing status databases RRSDS 740 which are in turn connected to CRSDS 730 (col. 13, ll. 23-47 and Fig. 7) and when the edge node receives a new call, it forwards the information to CRSDS (col. 19, ll. 18-54).

PRINCIPLES OF LAW

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. Inc., v. Union Oil Co. of Calif.*, 814 F.2d 628, 631 (Fed. Cir. 1987).

ANALYSIS

1. Rejection of claims 1-3, 5, 11, 12, 14-16, 18, and 31

Buyukkoc teaches that the Routing Status Database (RSD) contains connectivity information, alternate route information, information on the capacity of each route, and status of all the routes in the network, the data needed to manage routing features based on some rule or logic (FF 1). Buyukkoc further teaches that Table VII contains information about the current usage of the α-link routes and contains three congestion status ranges, referred to as "green," "yellow," and "red" (FF 2). Buyukkoc teaches that "green" means that there is plenty of capacity left, "yellow" means that the link is congested and alternate routes should be used, and "red" means avoid using this route if at all possible (FF 3). Buyukkoc further teaches that if a call arrives and all possible paths are "red," the call may be blocked depending on its priority (FF 4). Buyukkoc also teaches a "Class-of-Service" indicator in addition to *"the origination and the destination information*

for the call" (FF 5). Buyukkoc teaches that the RSD uses the route status in Table IX to give priority to more important calls (FF 6). Buyukkoc teaches that if the route status is green, any call can use the route (FF 7). Buyukkoc further teaches that if the route status is yellow, only high priority calls can use the route, and if the status is red, only the most critical calls can use the route (FF 8).

Thus, Buyukkoc teaches at least one policy profile (i.e., "Class-of-Service" indicator for determining whether an originating call will be connected to its destination based on priority) associated with a plurality of policy features (i.e., connectivity information, alternate route information, information on the capacity of each route, and status of all the routes in the network and more particularly Tables VII-IX delineating the policy features associated with the "Class-of-Service" priority profile). Accordingly, we do not agree with Appellants that the colors associated with congestion (i.e., green, yellow, and red) do not constitute a priority rule/policy or quality of service rule/policy (Br. 19).

We also do not agree with Appellants that Tables VII-IX of the RSD server 730, store information regarding the status of links and routes in ATM network 20, which is not associated with a subscriber (Br. 11). Buyukkoc specifically teaches that when a new call arrives (i.e., call from a subscriber) at originating switch 270, the switch determines that the call is destined for switch 220, and the (origination, destination) information is passed to the RSD, which contains the information shown in Tables VII-IX (FF 9). Buyukkoc teaches that if there are different bandwidth requirements associated with different types of calls, those are also passed to the RSD (FF 10). Buyukkoc teaches that the RSD uses the information in Table IX to determine that the best route from switch 220 (i.e., subscriber) to

13

switch 270 is B2, with a congestion status of "green" (FF 11). Thus, clearly Tables VII-IX of the RSD server 730 store information which is associated with a subscriber placing a new call at originating switch 220.

We also do not agree with Appellants that Buyukkoc does not disclose or suggest that the RSD is an SCP, much like Appellants' Multi-Service Control Point (MSCP), because in column 11, lines 13-15, Buyukkoc discloses that the RSD is accessed after the SCP, and thus, the RSD and the SCP are two separate devices (Br. 16-17). Buyukkoc explicitly states that "*the same server* may provide *RSD and SCP* functionality" (emphasis added) (FF 12). It follows, that the RSD server 730 can also provide SCP functionality.

Furthermore, Buyukkoc teaches that the Centralized Fabric Network Interface (CFNI) collects information from Fabric Network Interface (FNI) that is present in each of the edge nodes, calculates the bandwidth used for all links, and *computes a link status* which then sends the information back to each FNI (FF 13). Buyukkoc teaches that the CFNI functionality can reside in a network database such as an SCP, and that the CFNI is an example of an RSD (FF 14). Even more particularly, Buyukkoc teaches that the CFNI is a central RSD (CRSD) (FF 15). Accordingly, the CRSDS 730 is a CFNI or an SCP. The Examiner appropriately found that the CRSDS 730 or SCP constitutes a policy server because it computes link statuses for determining whether an originating call associated with a subscriber at switch 220 can be permitted depending on particular policy profiles (i.e., route congestion status and priority of call).

Furthermore with respect to claim 11, we don't agree with Appellants' argument that if Buyukkoc's routing status database could reasonably be construed

14

as corresponding to the recited policy server then there would be no need for the routing status database to receive the bandwidth requirements since the routing status database would already contain this information (Br. 21). Buyukkoc discloses policy profiles for allowing an originating call to connect. Examples of such policies include the determination of a route congestion status. Even if the route congestion status is red, connection is permitted if the call is a high priority call in part based on the aggregate bandwidth feature (FF 16). Claim 11 only requires that the "particular policy features comprises an aggregate bandwidth limit feature" (FF 17). Nothing in claim 11 precludes that the "aggregate bandwidth limit feature" is calculated in order for the policy profiles to calculate the route congestion status instead of being predetermined or static. In other words, nothing in the claim language precludes the dynamic calculation of the bandwidth limit.

We are also not persuaded by Appellants' argument with respect to claim 12. Appellants argued that the Examiner's interpretation of the section of column 10, lines, 50-55 does not disclose the claimed feature of a policy server with the particular policy feature of "a service class selection" (Br. 22-23). Instead, Appellants argue that Buyukkoc discloses that the RSD performs out-of-network routing, class-of-service, and capacity management in a packet transport network (Br. 22). As we stated *supra*, Buyukkoc teaches that the CFNI is a central RSD (CRSDS) 730 or an SCP which constitutes a policy server (FF 14-15). Buyukkoc further teaches that the CFNI or the central RSD (i.e., policy server) is performing "class-of-service" in a packet transport network (FF 18). Thus, Buyukkoc does disclose a particular policy feature of "a service class selection" as recited in claim

15

12. For the same reason, we are not persuaded by Appellants' argument with respect to claim 31 (Br. 32-35).

With respect to claims 14-16 and 18, we are not persuaded by Appellants' arguments for the same reasons as articulated *supra* with respect to claim 1. We are also not persuaded by Appellants' additional argument, that in column 13, lines 29-67, Buyukkoc does not disclose an RSD server 730 which is associated with a signaling intercept processor, but rather, regional routing status database servers (Br. 27). Buyukkoc teaches that the edge nodes 720 are connected to the regional routing status databases RRSDS 740 which are in turn connected to CRSDS 730 and when the edge node receives a new call, it forwards the information to CRSDS (FF 19). Thus, clearly the RRSDS 740 constitutes a signaling intercept processor, and Buyukkoc teaches a policy server CRSDS associated with the signaling intercept processor RRSDS.

For the foregoing reasons, Appellants have not persuaded us that the Examiner erred in rejecting claims 1-3, 5, 11, 12, 14-16, 18, and 31. Accordingly, we will sustain the Examiner's rejections of those claims.

CONCLUSION

Appellants have not shown that the Examiner erred by finding that Buyukkoc teaches the limitation of a "policy server including at least one policy profile associated with a plurality of policy features, each policy profile of the at least one policy profile being associated with a subscriber" as recited in independent claims 1 and 14; the limitation of a particular policy feature comprising "an aggregate bandwidth limit feature" as recited in claim 11; the

limitation of "a service class selection feature" as recited in claims 12 and 31; and

the limitation of "a policy server associated with said signaling intercept

processor" as recited in claim 14. Thus, the Examiner's rejection of claims 1, 11,

12, 14, and 31 and claims 2-3, 5, 15-16, 18 which fall with claims 1 and 14 is

sustained.

OBVIOUSNESS

ISSUES

2. *Rejection of claims 4 and 17*

Appellants contend that Noake does not disclose the claim 4 limitations of

propagating a signaling message, which comprises a Release message, to a policy

server and determining in the policy server, based at least in part on the signaling

message, which comprises a Release message, if a particular policy feature of a

plurality of policy features is to be invoked (Br. 36). Appellants contend that

Noake merely discloses the transmission of a Release message to an ATM network

220 (col. 8, lines 25-39) (Br. 36). Appellants state that, even assuming that Noake

could reasonably be construed as disclosing the above stated limitations, one

skilled in the art would not have been motivated to incorporate the release message

of Noake into Buyukkoc absent impermissible hindsight (Br. 36-37). Appellants

further characterize the Examiner's motivation reciting "effective use of a band"

and stopping the cell assembling and disassembling processes as conclusory (Br.

37). Appellants assert that Noake does not disclose or suggest why one skilled in

the art would incorporate propagating a signaling message, which comprises a

Release message, to a policy server and determining in a policy server, based at

least in part of the signaling message if a particular policy feature of a plurality of policy features is to be invoked, into Buyukkoc's system (Br. 37-39).

The Examiner responds that Buyukkoc discloses the limitation of "a policy server . . . to be invoke" [sic] (Ans. 38). The Examiner further states that it is also well known and a fundamental step in telecommunication that when disconnecting a call/connection, the signaling system (i.e. ATM signaling/SS7) releases allocated resources by transmission of a Release message so that such recourses can be reallocated to other users for other calls/connections (Ans. 38). The Examiner finds that Noake simply further discloses a signaling message of Buyukkoc as a specific "Release message" (Noake's Fig. 4, indicating a RELEASE message; col. 8, ll. 9-39). The Examiner further responds that the motivational statement is that the release message would make effective use of the band and notify to stop the cell assembling and disassembling processes (Noake col. 2, line 55-64; col. 8, line 19-24) (Ans. 38-39).

Appellants repeat the same arguments for claim 17 (Br. 39-43).

The issue before us, then, is as follows:

Have Appellants shown that the Examiner erred by determining that the Buyukkoc and Noake combination teaches the limitation of "propagating said signaling message to a policy server, said policy server including at least one policy profile associated with a plurality of policy features, each policy profile . . . feature of the plurality of policy features is to be invoked" as recited in claims 1 and 14 and the limitation of "wherein said signaling message comprises a Release message" as recited in claims 4 and 17? and did the Examiner articulate a motivation for combining the references?

3. *Rejection of claims 6, 8, and 9*

With respect to claim 6, Appellants argue that Christie does not teach "a policy server that includes at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a source address validation feature" (Br. 44). In other words, Appellants argue that Christie does not teach the limitations of both claims 1 and 6. Appellants further state that the Examiner's motivation is conclusory (Br. 44). Appellants assert that the articulated motivation of validating the calls and generating a billing record as stated in Christie (col. 3, ll. 12-22 and col. 7, ll. 39-45) is conclusory and based on hindsight. Appellants further assert that Buyukkoc does not express such a desire (Br. 45). Appellants repeat the same arguments for claims 8 and 9 (Br. 45-49).

The Examiner responds that Christie teaches a source/destination address validation (col. 7, ll. 9-19, and 35-45; validating caller number ANI and verifying a dial number) (Ans. 40). Furthermore, the Examiner responds that the motivation to combine recited was that Christie's teaching would provide Buyukkoc validation of calls and generation of billing records (Ans. 41). The Examiner states that the motivation is found in Christie, and not based on hindsight, and there is no requirement that Buyukkoc express a desire for the modification (Ans. 40-42).

The issue then is whether Appellants have shown that the Examiner erred in reciting as motivation to combine Christie's teaching of call validation and generation of billing records with Buyukkoc.

4. *Rejection of claims 19-21*

Appellants essentially argue that Christie does not teach the combined features of claims 14, 18, and 19 (Br. 49-51). Appellants further argue that there is

19

no motivation to combine the references, and that the Examiner's purported motivation is based on hindsight (Br. 52-53).

The Examiner responds that Buyukkoc discloses accessing the ATM network through a particular network port associated with the CPE (Fig. 9, accessing switch 922 through the trunk/port 932; col. 20, lines 1-10) (Ans. 42). The Examiner further states that source and destination addresses validation/screening are well known in signaling (i.e. ATM signaling/SS7), in order to identify the caller validity (Ans. 42). The Examiner asserts that a source address validation for ensuring that the party is an authorized party for accessing the network is well known in the art of signaling in order to establish the call (Ans. 42-43). In particular, Christie teaches a source address validation for ensuring that said party is an authorized party for accessing the ATM network (Fig. 7; see col. 7, lines 9-19, 35-45; checking/validating caller number in AN1 for verification for accessing the ATM network) (Ans. 43). The Examiner concludes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to validate/verify the caller number to access the ATM network, as taught by Christie in the system of Buyukkoc, for validating the call and generating a billing record (Christie col. 3, lines 12-22; col. 7, lines 39-45) (Ans. 43).

The issue then is, again, whether Appellants have shown that the Examiner erred in reciting as motivation to combine Christie's teaching of call validation and generation of billing records with Buyukkoc.

5. Rejection of claims 23 and 24

Appellants make substantially the same arguments as above, wherein Christie does not teach the combined features of claims 14, 18, and 23 (Br. 53-57).

Appellants further argue that there is no motivation to combine the references, and that the Examiner's purported motivation is based on hindsight (Br. 57-59).

The Examiner similarly responds as above, that the limitations of claims 14 and 18 are taught by Buykkoc (Ans. 44). The Examiner further finds that Christie teaches the limitation of claim 23 of a destination address screening for defining a plurality of address to which the party can effectuate the call (Fig. 7; col. 7, ll. 9-19, 35-45; col. 15, ll. 40-60; col. 2, ll. 1-15; verifying a dial number from the list of numbers where the call needs to be connected). The Examiner concludes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to validate/verify the caller number to access the ATM network, as taught by Christie in the system of Buyukkoc, for validating the call and generating a billing record (Christie col. 3, line 12-22; col. 7, line 39-45) (Ans. 43).

The issue then is whether the Examiner erred by finding that Christie teaches the limitation of "a destination address screening feature for defining a plurality of addresses to which said party can effectuate said call" and articulating the motivation of call validation and generation of billing records as taught by Christie.

6. Rejection of claim 25

Appellants make substantially the same arguments as above, wherein Christie does not teach the combined features of claims 14, 18, and 25 (Br. 59-62). Appellants further argue that there is no motivation to combine the references, and that the Examiner's purported motivation is based on hindsight (Br. 62-63).

The Examiner similarly responds as above, that the limitations of claims 14 and 18 are taught by Buykkoc (Ans. 45). The Examiner further finds that Christie

teaches the limitation of claim 25 of a source address screening feature for defining a plurality of addresses from which the party can initiate the call (Fig. 7; col. 7, ll. 9-19, 35-45; col. 15, ll. 40-60; col. 2, ll. 1-15; verifying a dial number from the list of numbers from a list of numbers to initiate a call/connection). The Examiner concludes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to validate/verify the caller number to access the ATM network, as taught by Christie in the system of Buyukkoc, for validating the call and generating a billing record (Christie col. 3, line 12-22; col. 7, line 39-45) (Ans. 43).

The issue then is whether Appellants have shown that the Examiner erred by finding that Christie teaches the limitation of "a source address screening feature for defining a plurality of addresses from which said call can be initiated to said party" and articulating the motivation of call validation and generation of billing records as taught by Christie.

7. Rejection of claims 7 and 22

With respect to claim 7, Appellants make similar arguments as above, wherein Farris does not teach the combined features of claims 1, 5, and 7 (Br. 63-64). Appellants further argue that there is no motivation to combine the references, and that the Examiner's purported motivation is based on hindsight (Br. 64-65).

With respect to claim 22, Appellants make similar arguments as above, wherein Farris does not teach the combined features of claims 14, 18, and 22 (Br. 65-66). Appellants further argue that there is no motivation to combine the references, and that the Examiner's purported motivation is based on hindsight (Br. 66-68).

The Examiner similarly responds as above, that the limitations of claims 1 and 5 (Ans. 46-47) and the limitations of claims 14 and 18 (Ans. 48-49) are taught by Buykkoc. The Examiner further finds that Farris teaches the limitation of claim 7 of maximum call attempt rate (col. 14, ll. 1-12 and col. 11, ll. 5-17; acceptable/maximum specified rate of call attempts) (Ans. 47). The Examiner further finds that Farris teaches the limitation of claim 22 of maximum call attempt rate limit for monitoring the number of setup messages received from the party over a predetermined period of time (col. 14, ll. 1-12 and col. 11, ll. 5-56; acceptable/maximum specified rate of call attempts for monitoring and determining the number of setup/ISUP messages from the calling time per time period) (Ans. 49). The Examiner concludes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide acceptable/maximum specified rate of call attempts, as taught by Farris in the system of Buyukkoc, to detect the predetermined events and/or imminence of predetermined events, and then block or control those events from their incipiency (Farris col. 14, line 1-6) (Ans. 47 and 49).

The issue then is whether Appellants have shown that the Examiner erred by finding that Farris teaches the limitations of "maximum call attempt rate limit" and "maximum call attempt rate limit feature for monitoring the number of Setup messages received from said party over a predetermined period of time" and articulating the motivation of providing acceptable/maximum specified rate of call attempts, as taught by Farris in the system of Buyukkoc, to detect the predetermined events and/or imminence of predetermined events, and then block or control those events from their incipiency as taught by Farris.

23

8. *Rejection of claim 10*

Appellants make similar arguments as above, wherein VanDervort does not teach the combined features of claims 1, 5, and 10 (Br. 68-69). Appellants also argue that Horn does not teach the combined features of claims 1, 5, and 10 (Br. 70-71). Appellants further argue that there is no motivation to combine the references, and that the Examiner's purported motivation is based on hindsight (Br. 69-70 and 71-72).

The Examiner similarly responds as above, that the limitations of claims 1 and 5 (Ans. 50-51) are taught by Buykkoc.

The Examiner further finds that Farris teaches the limitation of claim 10 of maximum burst size limit/threshold feature (col. 6, ll. 8-11; limited/maximum burst size limit/threshold of user cell transmission for policing) (Ans. 51). The Examiner concludes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide limited/maximum burst size, as taught by VanDervort in the system of Buyukkoc, to control the flow of traffic and maximize utilization of the network resources (VanDervort col. 6, ll. 1-3) (Ans. 51-52).

The Examiner, in an alternative rejection, also finds that Horn teaches a maximum size limit/threshold feature (Horn col. 2, ll. 29-30) (Ans. 53). The Examiner concludes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide maximum burst length threshold, as taught by Horn in the system of Buyukkoc, to avoid overflow problems due to long bursts (Horn col. 1, ll. 25-34) (Ans. 51-52).

The issue then is whether Appellants have shown that the Examiner erred by finding that VanDervort teaches the limitations of "maximum burst size feature" and articulating the motivation of controlling the flow of traffic and maximize the utilization of resources, as taught by VanDervort in the system of Buyukkoc.

On the alternative rejection of claim 10 with Horn, the issue is whether Appellants have shown that the Examiner erred by finding that Horn teaches the limitations of "maximum burst size feature" and articulating the motivation of avoiding overflow problems due to long bursts, as taught by Horn in the system of Buyukkoc.

9. Rejection of claims 13 and 38

Appellants argue with respect to claim 13, that Basso does not teach the combined features of claims 1 and 5 (Br. 72-73). Appellants similarly argue with respect to claim 38, that Basso does not teach the combined features of claims 14 and 18 (Br. 74-75). Appellants further argue that there is no motivation to combine the references, and that the Examiner's purported motivation is based on hindsight (Br. 73-74 and 75-77).

The Examiner similarly responds as above, that the limitations of claims 1 and 5 (Ans. 54-55) as well as the limitations of 14 and 18 (Ans. 56-57) are taught by Buykkoc.

The Examiner finds that Buyukkoc discloses a policy feature comprising a maximum call limit feature (col. 14, ll. 15-65; acceptable/maximum call load/limit/bandwidth) (Ans. 55). The Examiner asserts that ATM network having a maximum concurrent call limit/threshold for call admission control (CAC) is well known in the art (Ans. 55). The Examiner supports that assertion, with

Basso's teaching of a maximum concurrent call limit feature (col. 4, ll. 25-35; maximum allowed/limit number of concurrent connection/call) (Ans. 55). The Examiner articulates as motivation to combine the references, that it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide maximum concurrent connection, as taught by Basso in the system of Buyukkoc, for controlling concurrent connections/calls to provide efficient protection against signaling congestion (Basso col. 2, ll. 35-45) (Ans. 55).

The issue then is whether Appellants have shown that the Examiner erred by finding that Basso teaches the limitation of "maximum concurrent call limit" and whether the motivation articulated by the Examiner of controlling concurrent connections/calls to provide efficient protection against signaling congestion is conclusory and based on hindsight.

10. Rejection of claims 27-29

Appellants argue with respect to claim 27, that Kobayashi does not teach the combined features of claims 14 and 18 (Br. 77-78). Appellants further argue that there is no motivation to combine the references, and that the Examiner's purported motivation is based on hindsight (Br. 78-80).

The Examiner similarly responds as above, that the limitations of claims 14 and 18 (Ans. 59) are taught by Buykkoc.

The Examiner finds that Buyukkoc discloses a policy feature comprising a maximum burst size limit feature (col. 14, ll. 15-65; acceptable/maximum load/size before the call is blocked) (Ans. 59). The Examiner finds that Kobayashi teaches a maximum burst size limit feature for limiting a burst-size request associated with

26

the call (see Fig. 6; col. 12, l. 55-col. 13, l. 35; a limiting/setting/changing the number of cells transmitted in each call) (Ans. 60).

The Examiner articulates to limit the number of cells transmitted in each call, as taught by Kobayashi in the system of Buyukkoc, so that it would provide a flow control performed cooperatively by the network and the terminal equipment and call accepted control is simplified (Kobayashi col. 7, ll. 46-52; col. 8, ll. 40-45).

The issue then is whether Appellants have shown that the Examiner erred by finding that Basso teaches the limitation of "maximum burst size limit feature for limiting a burst-size request associated with said call" and whether the motivation articulated by the Examiner of providing flow control performed cooperatively by the network and the terminal equipment and simplifying call accepted control is conclusory and based on hindsight.

11. Rejection of claims 32 and 33-37

Appellants argue with respect to claims 32 and 33, that the Examiner's reliance on Buyukkoc (col. 1, ll. 50-60) for the service class feature of constant bit rate (CBR) and variable bit rate service (VBR) is misplaced because this disclosure is under the "BACKGROUND" section of the invention (Br. 81, 82, and 83). Appellants further argue that this section does not disclose the combined features of claim 14, 18, and 31 (Br. 81).

With respect to claims 32 and 33, the Examiner similarly responds as above, that the limitations of claims 14 and 31 (Ans. 61-62) are taught by Buykkoc. The Examiner finds that Buykkoc teaches the service class feature of constant bit rate (CBR) and variable bit rate service (VBR) (col. 1, ll. 50-60) (Ans. 61-62).

With respect to claims 32 and 33-35, the issue is whether Appellants have shown that the Examiner erred by finding that Buyukkoc teaches the service class feature of constant bit rate (CBR) and variable bit rate service (VBR).

With respect to claims 36 and 37, Appellants argue that Kilkki does not teach the combined features of claims 14, 18, and 31 (Br. 83-84 and 85-86). Appellants further argue that there is no motivation to combine the references, and that the Examiner's purported motivation is based on hindsight (Br. 84-85 and 87-88).

The Examiner similarly responds as above, that the limitations of claims 14, 18, and 31 (Ans. 59) are taught by Buykkoc.

The Examiner finds that Kilkki teaches the ATM class services of unspecified bit-rate (UBR) and available bit-rate (ABR) (col. 1, ll. 54-67) (Ans. 62).

The Examiner articulates as a motivation that it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide quality of service class defined by ATM standards of UBR and ABR, as taught by Kilkki in the system of Buyukkoc, to provide a capability to manage increases in network load, supporting both real-time and non-real time application, and offering, in certain circumstances, a guaranteed level service quality (Kilkki col. 1, line 44-53), and furthermore by using the ATM standard services, to enable the service provider to interoperate between multi-vendor networks (Ans. 62, 63, and 64).

The issue then, with respect to claims 36-37, is whether Appellants have shown that the Examiner erred by finding that Kilkki teaches the ATM class

services of unspecified bit-rate (UBR) and available bit-rate (ABR) and whether the motivation articulated by the Examiner of providing a capability to manage increases in network load, supporting both real-time and non-real time application, and enabling the service provider to interoperate between multi-vendor networks is conclusory and based on hindsight.

12. Rejection of claims 39, 40-43, 45, 50, and 58

Appellants argue that Buyukkoc does not disclose all the features of the claim 39 and that Gai does not remedy the deficiencies because the Examiner's articulated motivation is conclusory and based on hindsight (Br. 85-95).

The Examiner responds that Buyukkoc teaches the limitation of "said policy server including at least one policy profile having a plurality of policy profiles, the at least one policy being associated with a subscriber," as particularly and extensively explained *supra* (Ans. 66). The Examiner further explains how the limitations of claim 39 were met by Buyukkoc, which we agree with and adopt them as our own, but do not repeat them herein (Br. 65-66). Gai was introduced by the Examiner for the limitation of a policy feature including at least one of a destination address screening feature for a group of subscribers to which the party belongs or a source address screening feature for the group of subscribers. The Examiner finds that Gai teaches a policy server (Fig. 4, policy server 322) comprising the particular policy feature (Fig. 4, Policy Rule generation engine 414, policy translator 410, and device-specific filtering entity; Gai col. 13, l. 61 to col. 14, l. 5) including at least one of a destination screening feature for a group of subscribers to which the party belongs or a source address screening feature for the group of subscribers (Gai col. 14, ll. 1-15, col. 14, l. 56-col. 15, l. 55; applying

source or destination addressing policy rule to a group of users (Fig. 7A, marking users, admin users, executive users, etc.) where a specific user (Fig. 7A, John Doe) belongs (col. 14, ll. 10- 18) (Ans. 20). The Examiner articulates as a motivation to combine the references that it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide one of a destination screening feature for a group of subscribers to which the party belongs or a source address screening feature for the group of subscribers, as taught by Gai in the system of Buyukkoc, so as to allocate network services and resources by applying high-level quality of service policies (Gai col. 5, ll. 45-55) (Ans. 20).

Furthermore, with respect to claim 58, the Examiner finds that Buyukkoc teaches a service class selection feature for specifying a service class with respect to a network port used by the party (col. 10, ll. 50-55; col. 18, ll. 26-45; Fig. 9, trunk/port 932, col. 20, ll. 1-10; selecting a class-of-service for a port/link/trunk/circuit used by the call) (Ans. 68).

The issue then is whether Appellants have shown that the Examiner erred by finding that the combination of Buyukkoc and Gai teaches all the limitations of claims 39 and 58 and whether the articulated motivation is conclusory and based on hindsight.

13. Regarding claim 44

Appellants argue that Noake does not disclose the combined features of claims 39 and 44 (Br. 97 and 98). Appellants further argue that the articulated motivation is conclusory and based on hindsight.

The Examiner responds that Noake teaches the release message and repeats the same line of reasoning as stated *supra* in section 2.

30

The issue then is whether Appellants have shown that the Examiner erred by finding that the combination of Buyukkoc, Gai and Noake teaches all the limitations of claims 39 and 44 and whether the articulated motivation is conclusory and based on hindsight.

14. Regarding claim 49

Appellants argue that Farris does not disclose the combined features of claims 39, 45, and 49 (Br. 100-101). Appellants further argue that the articulated motivation is conclusory and based on hindsight.

The Examiner responds that Farris teaches the release message and repeats the same line of reasoning as stated *supra* in section 7.

The issue then is whether the Examiner erred by finding that the combination of Buyukkoc, Gai and Farris teaches all the limitations of claims 39, 45, and 49 and whether the articulated motivation is conclusory and based on hindsight.

15. Rejection of claims 59, 60-62, 63, and 64

Appellants substantially repeat the same arguments as stated in section 11 regarding claims 32 and 33-37. The Examiner re-iterates the same Findings of Facts as those found for claims 32 and 33-37.

Thus, the first issue is whether Appellants have shown that the Examiner erred by finding that Buyukkoc teaches the service class feature of constant bit rate (CBR) and variable bit rate service (VBR). The second issue is whether Appellants have shown that the Examiner erred by finding that Kilkki teaches the ATM class services of unspecified bit-rate (UBR) and available bit-rate (ABR) and whether the motivation articulated by the Examiner of providing a capability to

manage increases in network load, supporting both real-time and non-real time

application, and enabling the service provider to interoperate between multi-vendor

networks is conclusory and based on hindsight.

FINDINGS OF FACT

The relevant facts include the following (FF):

20. Buyukkoc further teaches determining in the CRSDS server (i.e., policy
server), based on the new call and related information including source and
destination, priority of the call, and bandwidth required by the call (col. 19,
ll. 26-31) (i.e., signaling message) if a particular policy feature of the
plurality of policy features is to be invoked (determining the policy features
in the Routing Status Database (RSD) that need to be invoked; see FF 1 and
also see col. 19, ll. 35-42 and col. 17, ll. 31-48).

21. The Examiner found that Buyukkoc teaches how to route the call in
accordance to RSD contents by determining and triggering particular
specific quality-of-service rule/policy of connection for a received call (Ans.
5; citing Fig. 8, step 840; Fig. 10, steps 1035, 1040; col. 13, ll. 1-7; col. 13, l.
64-col. 14, l. 67 and Tables VII-IX).

22. Noake discloses a signaling message of Buyukkoc as a specific "Release
message" which is a disconnection signal (Noake's Fig. 4, indicating a
RELEASE message; col. 8, ll. 9-39).

23. Noake teaches that the release message would make effective use of band
and the respective apparatus by transmitting connection information, and by

sending/receiving a release message it will notify to stop the cell assembling and disassembling processes (col. 2, ll. 55-64; col. 8, ll. 19-24).

24. Christie teaches a source/destination address validation (col. 7, ll. 9-19, and 35-45) for validating caller number ANI, verifying a dial number and generating a billing record (col. 3, ll. 12-22 and col. 7, ll. 39-45).

25. Buyukkoc discloses accessing the ATM network through a particular network port associated with the CPE (Fig. 9, accessing switch 922 through the trunk/port 932; col. 20, ll. 1-10).

26. Christie teaches a source address validation for ensuring that the party is an authorized party for accessing the ATM network (Fig. 7; see col. 7, ll. 9-19, 35-45; checking/validating caller number in AN1 for verification for accessing the ATM network).

27. Christie teaches a destination/source address screening for defining a plurality of addresses to which the party can effectuate/initiate the call (Fig. 7; col. 7, ll. 9-19, 35-45; col. 15, ll. 40-60; col. 2, ll. 1-15; verifying a dial number from the list of numbers where the call needs to be connected and verifying a dial number from the list of numbers from a list of numbers to initiate a call/connection).

28. Farris teaches a maximum call attempt rate (col. 14, ll. 1-12 and col. 11, ll. 5-17; acceptable/maximum specified rate of call attempts).

29. Farris teaches a maximum call attempt rate limit for monitoring the number of setup messages received from the party over a predetermined period of time (col. 14, ll. 1-12 and col. 11, ll. 5-56; acceptable/maximum specified rate of call attempts for monitoring and determining the number of

setup/ISUP messages from the calling time per time period).

30. Farris teaches that providing acceptable/maximum specified rate of call attempts allows for detecting the predetermined events and/or imminence of predetermined events, and then blocking or controlling those events from their incipiency (col. 14, ll. 1-6).

31. VanDervort teaches the feature of a maximum burst size limit/threshold feature (col. 6, ll. 8-11; limited/maximum burst size limit/threshold of user cell transmission for policing).

32. VanDervort teaches that providing limited/maximum burst size controls the flow of traffic and maximizes utilization of the network resources (col. 6, ll. 1-3).

33. Horn teaches a maximum size limit/threshold feature (col. 2, ll. 29-30).

34. Horn teaches that providing maximum burst length threshold avoids overflow problems due to long bursts (col. 1, ll. 25-34).

35. Buyukkoc discloses a policy feature comprising a maximum call limit feature ((col. 14, ll. 15-65); load balancing based on capacity to avoid overload).

36. Basso teaches maximum concurrent call limit feature (col. 4, ll. 25-35; "call setup threshold" defines a maximum allowed number of calls at a given time).

37. Basso teaches that controlling concurrent connections/calls provides efficient protection against signaling congestion (col. 2, ll. 35-45).

38. Kobayashi teaches a maximum burst size limit feature for limiting a burst-size request associated with a call (see Fig. 6; col. 12, l. 55-col. 13, l. 35; a

limiting/setting/changing the number of cells transmitted in each call).

39. Kobayashi teaches that the maximum burst size limit feature limits the number of cells transmitted in each call providing a flow control performed cooperatively by the network and the terminal equipment and simplifies call accepted control (col. 7, ll. 46-52; col. 8, ll. 40-45).

40. Buykkoc teaches the service class feature of constant bit rate (CBR) and variable bit rate service (VBR) (col. 1, ll. 50-60).

41. Kilkki teaches the ATM class services of unspecified bit-rate (UBR) and available bit-rate (ABR) (col. 1, ll. 54-67).

42. Kilkki teaches that ATM standards of UBR and ABR would provide the capability to manage increases in network load, supporting both real-time and non-real time application, and offering, in certain circumstances, a guaranteed level service quality (col. 1, line 44-53).

43. The Examiner finds that using the ATM standard services to enable the service provider to interoperate between multi-vendor networks (Ans. 62, 63, and 64). This finding is based on a common sense line of reasoning.

44. The Examiner finds that Gai teaches a policy server (Fig. 4, policy server 322) comprising the particular policy feature (Fig. 4, Policy Rule generation engine 414, policy translator 410, and device-specific filtering entity; col. 13, l. 61 to col. 14, l. 5) including at least one of a destination screening feature for a group of subscribers to which the party belongs or a source address screening feature for the group of subscribers (col. 14, ll. 1-15, col. 14, l. 56-col. 15, l. 55; applying source or destination addressing policy rule to a group of users (Fig. 7A, marking users, admin users, executive users,

etc.) where a specific user (Fig. 7A, John Doe) belongs (col. 14, ll. 10- 18) (Ans. 20).

45. The Examiner finds that Gai teaches that providing one of a destination screening feature for a group of subscribers to which the party belongs or a source address screening feature for the group of subscribers, allocates network services and resources by applying high-level quality of service policies (col. 5, ll. 45-55) (Ans. 20).

46. Buyukkoc teaches a service class selection feature for specifying a service class with respect to a network port used by the party (col. 10, ll. 50-55; col. 18, ll. 26-45; Fig. 9, trunk/port 932, col. 20, ll. 1-10; selecting a class-of-service for a port/link/trunk/circuit used by the call).

PRINCIPLES OF LAW

The Examiner bears the initial burden of presenting a prima facie case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992). If that burden is met, then the burden shifts to the Appellants to overcome the prima facie case with argument and/or evidence. *Id.* The Supreme Court, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006), stated that "' [r]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.'" *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007). However, "the analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would

employ." *Id.*

Motivation to combine can be found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *See In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988)

"[O]ne cannot show non-obviousness by attacking references individually where . . . the rejections are based on combinations of references." *In re Keller*, 642 F.2d 413, 425 (CCPA 1981).

"The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference .... Rather, the test is what the combined teachings of those references would have suggested to those of ordinary skill in the art." *Id.* at 425.

> Any judgment on obviousness is in a sense necessarily a reconstruction based on hindsight reasoning, but so long as it takes into account only knowledge which was within the level of ordinary skill in the art at the time the claimed invention was made and does not include knowledge gleaned only from applicant's disclosure, such a reconstruction is proper.

In re McLaughlin 443 F.2d 1392, 1395 (CCPA 1971).

ANALYSIS

2. *Rejection of claims 4 and 17*

As stated *supra*, Buyukkoc teaches the limitation of a "policy server including at least one policy profile associated with a plurality of policy features, each policy profile of the at least one policy profile being

associated with a subscriber" (FF 1-15). Buyukkoc further teaches

determining in the CRSDS server (i.e., policy server), based on the new call

and related information including source and destination, priority of the call,

and bandwidth required by the call (i.e., signaling message) if a particular

policy feature of the plurality of policy features is to be invoked (FF 20).

Furthermore, the Examiner found and we agree, that Buyukkoc teaches how

to route the call in accordance to RSD contents by determining and

triggering particular specific quality-of-service rule/policy of connection for

a received call (FF 21). Thus, Buyukkoc teaches the limitation of a

"determining in said policy server, based at least in part on said signaling

message, if a particular policy feature of the plurality of policy features is to

be invoked" as recited in independent claims 1 and 14.

The Examiner asserted that is well known in the art that when disconnecting

a call/connection, the signaling system (i.e. ATM signaling/SS7) release allocated

resources by transmission of a Release message so that such recourses can be

reallocated to other users for other calls/connections (Ans. 38). The Examiner

supported that assertion with Noake's teaching. Noake discloses a signaling

message of Buyukkoc as a specific "Release message" which is a disconnection

signal (FF 22).

Thus, Appellants' argument that Noake does not teach the limitation of:

> propagating said signaling message to a policy server, said
> policy server including at least one policy profile associated with a
> plurality of policy features, each policy profile of the at least one
> policy profile being associated with a subscriber;

38

> determining in said policy server, based at least in part on said signaling message, if a particular policy feature of the plurality of policy features is to be invoked;

as recited in claim 1 is not persuasive, because the Examiner relied on Buyukkoc for those teachings, and as stated *supra*, one cannot show non-obviousness by attacking references individually where the rejections are based on combinations of references. *Keller*, 642 F.2d at 425.

Furthermore, the Examiner articulated as a rationale to combine the references that the release message would make effective use of band and the respective apparatus by transmitting connection information, and by sending/receiving a release message it will notify to stop the cell assembling and disassembling processes (FF 23) (Ans. 38-39).

The articulated reasoning supports the legal conclusion of obviousness (i.e., effective use of band and notification to stop the cell assembling and disassembling processes). *KSR*, 550 U.S. at 418. Furthermore, we do not agree that the Examiner's conclusion was based upon improper hindsight reasoning, because the conclusion is based on the teaching provided by Noake. *See McLaughlin* 443 F.2d at 1395.

Appellants repeat the same arguments for claim 17 as those articulated for claim 4, accordingly we sustain that rejection based on the same reasoning as that articulated *supra*.

3. Rejection of claims 6, 8, and 9

We are not persuaded by Appellants' arguments because Christie teaches a source/destination address validation (FF 24) and the Examiner's articulated

reasoning to combine the references supports the legal conclusion of obviousness (i.e., validating the calls and generating a billing record as taught by Christie (FF24)). *KSR*, 550 U.S. at 418.

Furthermore, one cannot show non-obviousness by attacking references individually (i.e., Christie not teaching the limitations of claim 1) where the rejections are based on combinations of references (i.e., Buyukkoc teaches the limitations of claim 1, the Examiner relies on Christie for teaching the limitation of claim 6). *See Keller*, 642 F.2d 425.

We also do not agree that the Examiner's conclusion was based upon improper hindsight reasoning, because the conclusion is based on the teaching provided by Christie. *See McLaughlin* 443 F.2d at 1395.

Appellants repeat the same arguments for claims 8 and 9 as those articulated for claim 6, accordingly we sustain that rejection based on the same reasoning as that articulated *supra*.

4. Rejection of claims 19-21

Buyukkoc discloses accessing the ATM network through a particular network port associated with the CPE (FF 25). We agree with the Examiner that source and destination addresses validation/screening are well known in signaling (i.e. ATM signaling/SS7), in order to identify the caller validity (Ans. 42). We also agree with the Examiner that a source address validation for ensuring that the party is an authorized party for accessing the network is well known in the art of signaling in order to establish the call (Ans. 42-43). Christie expressly teaches a source address validation for ensuring that the party is an authorized party for accessing the ATM network (FF 26). Thus, we agree with the Examiner's

onclusion that it would have been obvious to one having ordinary skill in the art at the time the invention was made to validate/verify the caller number to access the ATM network, as taught by Christie in the system of Buyukkoc, for validating the call and generating a billing record (FF 24).

Accordingly, we are not persuaded by Appellants' arguments because Christie teaches a source/destination address validation and the Examiner's articulated reasoning to combine supports the legal conclusion of obviousness (i.e., validating the calls and generating a billing record as taught by Christie. *KSR*, 550 U.S. at 418.

Furthermore, one cannot show non-obviousness by attacking references individually (i.e., Christie not teaching the limitations of claims 14 and 18) where the rejections are based on combinations of references (i.e., Buyukkoc teaches the limitations of claim 14 and 18 as articulated *supra*, and the Examiner relies on Christie for teaching the limitation of "source address validation feature" as recited in claim 19). *See Keller*, 642 F.2d 425.

We also do not agree that the Examiner's conclusion was based upon improper hindsight reasoning, because the conclusion is based on the teaching provided by Christie. *See McLaughlin* 443 F.2d at 1395.

Since Appellants presented no additional arguments with respect to claims 20 and 21, but rather rely on their dependency from claim 19, they also fall with claim 19 from which they depend.

5. Rejection of claims 23 and 24

Christie teaches the limitation of claim 23 of a destination address screening for defining a plurality of address to which the party can effectuate the call (FF

27). The Examiner articulated as a motivation to combine the references, validating/verifying the caller number to access the ATM network, as taught by Christie, for validating the call and generating a billing record in Buykkoc's system (motivation found in Christie; FF 24) (Ans. 43).

As we stated *supra*, one cannot show non-obviousness by attacking references individually (i.e., Christie not teaching the limitations of claims 14 and 18) where the rejections are based on combinations of references (i.e., Buyukkoc teaches the limitations of claim 14 and 18 as articulated *supra*, and the Examiner relies on Christie for teaching the limitation of "a destination address screening feature for defining a plurality of addresses to which said party can effectuate said call" as recited in claim 23). *See Keller*, 642 F.2d 425.

Furthermore, the Examiner's articulated reasoning to combine the references supports the legal conclusion of obviousness (i.e., validating the calls and generating a billing record as taught by Christie (FF 24)). *KSR*, 550 U.S. at 418.

We also do not agree that the Examiner's conclusion was based upon improper hindsight reasoning, because the conclusion is based on the teaching provided by Christie. *See McLaughlin* 443 F.2d at 1395.

Since Appellants presented no additional arguments with respect to claim 24, but rather rely on their dependency from claim 23, claim 24 also falls with claim 23 from which it depends.

6. *Rejection of claim 25*

The Examiner further finds that Christie teaches the limitation of claim 25 of a source address screening feature for defining a plurality of addresses from which the party can initiate the call (FF 27; verifying a dial number from the list of

numbers from a list of numbers to initiate a call/connection). The Examiner articulated as a motivation to combine validating/verifying the caller number to access the ATM network, as taught by Christie, for validating the call and generating a billing record in Buykkoc's system (motivation found in Christie; FF 24) (Ans. 43).

As we stated *supra*, one cannot show non-obviousness by attacking references individually (i.e., Christie not teaching the limitations of claims 14 and 18) where the rejections are based on combinations of references (i.e., Buyukkoc teaches the limitations of claim 14 and 18 as articulated *supra*, and the Examiner relies on Christie for teaching the limitation of "a source address screening feature

for defining a plurality of addresses from which said call can be initiated to said party" as recited in claim 25). *See Keller*, 642 F.2d 425.

Furthermore, the Examiner's articulated reasoning to combine the references supports the legal conclusion of obviousness (i.e., validating the calls and generating a billing record as taught by Christie (FF24)). *KSR*, 550 U.S. at 418.

We also do not agree that the Examiner's conclusion was based upon improper hindsight reasoning, because the conclusion is based on the teaching provided by Christie. *See McLaughlin* 443 F.2d at 1395.

7. Rejection of claims 7 and 22

Farris teaches the limitation of claim 7 of maximum call attempt rate (FF 28; acceptable/maximum specified rate of call attempts). Farris further teaches the limitation of claim 22 of maximum call attempt rate limit for monitoring the number of setup messages received from the party over a predetermined period of

time (FF 29; acceptable/maximum specified rate of call attempts for monitoring and determining the number of setup/ISUP messages from the calling time per time period). The Examiner articulated as a motivation to combine the references that providing acceptable/maximum specified rate of call attempts, as taught by Farris in the system of Buyukkoc, would allow for detecting the predetermined events and/or imminence of predetermined events, and then blocking or controlling those events from their incipiency (FF 30).

As we stated *supra*, one cannot show non-obviousness by attacking references individually (i.e., Farris not teaching the limitations of claims 1 and 5 and also the limitations of claims 14 and 18) where the rejections are based on combinations of references (i.e., Buyukkoc teaches the limitations of claims 1, 5, 14, and 18 as articulated *supra*, and the Examiner relies on Farris for teaching the limitations of "maximum call attempt rate limit" and "maximum call attempt rate limit feature for monitoring the number of Setup messages received from said party over a predetermined period of time" as recited in claims 7 and 22, respectively). *See Keller*, 642 F.2d 425.

We also do not agree that the Examiner's conclusion was based upon improper hindsight reasoning, because the conclusion is based on the teaching provided by Farris. *See McLaughlin* 443 F.2d at 1395.

Furthermore, the Examiner's articulated reasoning to combine the references supports the legal conclusion of obviousness (i.e., detecting the predetermined events and/or imminence of predetermined events, and then blocking or controlling those events from their incipiency (FF 30)). *KSR*, 550 U.S. at 418.

   8. *Rejection of claim 10*

VanDervort teaches the limitation of claim 10 of maximum burst size limit/threshold feature (FF 31). The Examiner articulated as a motivation to combine the references that providing limited/maximum burst size, as taught by VanDervort in the system of Buyukkoc, would control the flow of traffic and maximize utilization of the network resources (FF 32) (Ans. 51-52).

Horn teaches a maximum size limit/threshold feature (FF 33). The Examiner articulated as a motivation to combine the references that providing maximum burst length threshold, as taught by Horn in the system of Buyukkoc, would avoid overflow problems due to long bursts (FF 34).

As we stated *supra*, one cannot show non-obviousness by attacking references individually (i.e., VanDervort or Horn not teaching the limitations of claims 1 and 5) where the rejections are based on combinations of references (i.e., Buyukkoc teaches the limitations of claims 1 and 5 as articulated *supra*, and the Examiner relies on VanDervort or Horn for teaching the limitation of "maximum burst size limit" as recited in claim 10). *See Keller*, 642 F.2d 425.

Furthermore, the Examiner's articulated reasoning to combine the references supports the legal conclusion of obviousness (i.e., control the flow of traffic and maximize utilization of the network resources (FF 32) or avoiding overflow problems due to long bursts (FF 34). *KSR*, 550 U.S. at 418.

We also do not agree that the Examiner's conclusion was based upon improper hindsight reasoning, because the conclusion is based on the teachings provided by VanDervort or Horn. *See McLaughlin* 443 F.2d at 1395.

9. Rejection of claims 13 and 38

Buyukkoc discloses a policy feature comprising a maximum call limit feature (FF 35). Basso teaches maximum concurrent call limit feature (FF 36). The Examiner articulates as motivation to combine the references that it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide maximum concurrent connection, as taught by Basso in the system of Buyukkoc, for controlling concurrent connections/calls to provide efficient protection against signaling congestion (FF 37).

As we stated *supra*, one cannot show non-obviousness by attacking references individually (i.e., Basso not teaching the limitations of claims 1 and 5 or the limitations of 14 and 18) where the rejections are based on combinations of references (i.e., Buyukkoc teaches the limitations of claims 1 and 5 and the limitations of claims 14 and 18, as articulated *supra*, and the Examiner relies on Basso for teaching the limitation of "maximum concurrent call limit feature" as recited in claims 13 and 38). *See Keller*, 642 F.2d 425.

Furthermore, the Examiner's articulated reasoning to combine the references supports the legal conclusion of obviousness (i.e., controlling concurrent connections/calls to provide efficient protection against signaling congestion (FF 37). *KSR*, 550 U.S. at 418.

We also do not agree that the Examiner's conclusion was based upon improper hindsight reasoning, because the conclusion is based on the teaching provided by Basso. *See McLaughlin* 443 F.2d at 1395.

10. Rejection of claims 27-29

Kobayashi teaches a maximum burst size limit feature for limiting a burst-size request associated with a call (FF 38).

46

The Examiner articulates as a motivation to combine the references that the modification would limit the number of cells transmitted in each call, as taught by Kobayashi in the system of Buyukkoc, and thus, would provide a flow control performed cooperatively by the network and the terminal equipment and simplify call accepted control (FF 39).

As we stated *supra*, one cannot show non-obviousness by attacking references individually (i.e., Kobayashi not teaching the limitations of claims 14 and 18) where the rejections are based on combinations of references (i.e., Buyukkoc teaches the limitations of claims14 and 18, as articulated *supra*, and the Examiner relies on Kobayashi for teaching the limitation of "maximum burst size limit feature for limiting a burst-size request associated with said call" as recited in claims 27). *See Keller*, 642 F.2d 425.

Furthermore, the Examiner's articulated reasoning to combine the references supports the legal conclusion of obviousness (i.e., providing a flow control performed cooperatively by the network and the terminal equipment and simplifying call accepted control (FF 39). *KSR*, 550 U.S. at 418.

We also do not agree that the Examiner's conclusion was based upon improper hindsight reasoning, because the conclusion is based on the teaching provided by Kobayashi. *See McLaughlin* 443 F.2d at 1395.

Since Appellants presented no additional arguments with respect to claims 28 and 29, but rather rely on their dependency from claim 27, they also fall with claim 27 from which they depend.

11. Rejection of claims 32 and 33-37

With respect to claims 32 and 33, Buykkoc teaches the service class feature of constant bit rate (CBR) and variable bit rate service (VBR) (FF 40).

The Examiner did not reject claims 32 and 33 under 35 U.S.C. § 102 but rather 35 U.S.C. § 103. Thus, the Examiner appropriately utilized the service class features of constant bit rate (CBR) and variable bit rate service (VBR) (FF 40) as taught in the "BACKGROUND" section of Buykkoc as service class features of ATM virtual circuits. In other words, this is a well known feature in the art that can be utilized with ATM virtual circuits having the features of claims 14, 18, and 31 as disclosed by Buykkoc's invention and as addressed *supra*.

With respect to claims 36 and 37, Kilkki teaches the ATM class services of unspecified bit-rate (UBR) and available bit-rate (ABR) (FF 41) (Ans. 62).

The Examiner's articulated motivation of providing quality of service class features defined by ATM standards of UBR and ABR, as taught by Kilkki in the system of Buyukkoc, would provide the capability to manage increases in network load, support both real-time and non-real time application, and offer, in certain circumstances, a guaranteed level service quality (FF 42), using the ATM standard services to enable the service provider to interoperate between multi-vendor networks (FF 43).

As we stated *supra,* one cannot show non-obviousness by attacking references individually (i.e., Kilkki not teaching the limitations of claims 14, 18, and 31) where the rejections are based on combinations of references (i.e., Buyukkoc teaches the limitations of claims 14, 18, and 31, as articulated *supra,* and the Examiner relies on Kilkki for teaching the limitation of service class features of constant bit rate (CBR) and variable bit rate service (VBR)). *See*

48

Keller, 642 F.2d 425.

Furthermore, the Examiner's articulated reasoning to combine the references supports the legal conclusion of obviousness (i.e., providing capability to manage increases in network load, supporting both real-time and non-real time application, and offering, in certain circumstances, a guaranteed level service quality (FF 42), using the ATM standard services to enable the service provider to interoperate between multi-vendor networks)). *KSR*, 550 U.S. at 418.

Since Appellants presented no additional arguments with respect to claims 34 and 35, but rather rely on their dependency from claim 33, they also fall with claim 33 from which they depend.

12. *Regarding claims 39, 40-43, 45, 50, and 58*

Regarding claim 39, we agree with the Examiner's findings (FF 44-45) and conclusions of obviousness and adopt them as our own (Ans. 65-68). We reiterate as above, that the Examiner's rejection is based on the combination of Buyukkoc and Gai and the Examiner appropriately articulated reasoning to support the legal conclusion of obviousness. *See Keller*, 642 F.2d at 425; and *KSR*, 550 U.S. at 418.

Furthermore as Appellants presented no additional arguments with respect to claims 40-43, 45, and 50, but rather rely on their dependency from claim 39, they also fall with claim 39 from which they depend (Br. 95).

Regarding claim 58, Buyukkoc discloses effectuating a treatment call based on a particular policy feature as stated *supra*. Buyukkoc further teaches a service class selection feature for specifying a service class with respect to a network port used by the party (FF46). Thus, all the limitations of the claim are met.

13. *Regarding claim 44*

Regarding claim 44, we agree with the Examiner's findings (FF 20-23) and conclusions of obviousness and adopt them as our own (Ans. 69). Our reasoning follows the line of reasoning presented in section 2 *supra*. We reiterate, as above, that the Examiner's rejection is based on the combination of Buyukkoc, Gai, and Noake and the Examiner appropriately articulated reasoning to support the legal conclusion of obviousness. *See Keller*, 642 F.2d at 425; and *KSR*, 550 U.S. at 418.

14. *Regarding claim 49*

Regarding claim 49, we agree with the Examiner's findings (FF 28-30) and conclusions of obviousness and adopt them as our own (Ans. 70-72). Our reasoning follows the line of reasoning presented in section 7 *supra*. We reiterate, as above, that the Examiner's rejection is based on the combination of Buyukkoc, Gai, and Farris and the Examiner appropriately articulated reasoning to support the legal conclusion of obviousness. *See Keller*, 642 F.2d at 425; and *KSR*, 550 U.S. at 418.

15. *Rejection of claims 59, 60-62, 63, and 64*

Regarding claims 59, 60, 63, and 64, we agree with the Examiner's findings (FF 40-44) and conclusions of obviousness and adopt them as our own (Ans. 73-77). Our reasoning follows the line of reasoning presented in section 11 *supra*. We reiterate, as above, that the Examiner's rejection is based on the combination of Buyukkoc, Gai, and Kilkki and the Examiner appropriately articulated reasoning to support the legal conclusion of obviousness. *See Keller*, 642 F.2d at 425; and *KSR*, 550 U.S. at 418.

Since Appellants presented no additional arguments with respect to claims

61 and 62 (Br. 104), but rather rely on their dependency from claim 60, they also fall with claim 60 from which they depend.

   16. Regarding claims 24, 26, 30, 46-48, 54-57, and 65

   Regarding the obviousness rejections of claims 24 and 26 over Buyukkoc, Christie, and Gai (Ans. 14-16 and 58-59), we find that Appellants have not persuasively rebutted the Examiner's prima facie case of obviousness for these claims, but merely contended that the additional references fail to cure the previously-noted deficiencies (Br. 77). Similarly, regarding the obviousness rejections of claim 30 over Smith (Ans. 17-18 and 60-61), we find that Appellants have not persuasively rebutted the Examiner's prima facie case of obviousness for these claims, but merely contended that the additional references fail to cure the previously-noted deficiencies (Br. 80). Rregarding the obviousness rejections of claims 46-48 over Buyukkoc, Gai, and Christie (Ans. 22-23), we find that Appellants have not persuasively rebutted the Examiner's prima facie case of obviousness for these claims, but merely contended that the additional references fail to cure the previously-noted deficiencies (Br. 99). Regarding the obviousness rejections of claims 54-56 over Buyukkoc, Gai, and Kobayashi (Ans. 25-26 and 72), we find that Appellants have not persuasively rebutted the Examiner's prima facie case of obviousness for these claims, but merely contended that the additional references fail to cure the previously-noted deficiencies (Br. 102). Regarding the obviousness rejections of claims 57 over Buyukkoc, Gai, and Smith (Ans. 26-27 and 72), we find that Appellants have not persuasively rebutted the Examiner's prima facie case of obviousness for these claims, but merely contended that the additional references fail to cure the previously-noted deficiencies (Br. 102).

Regarding the obviousness rejections of claims 65 over Buyukkoc, Gai, and Basso (Ans. 24-25 and 77), we find that Appellants have not persuasively rebutted the Examiner's prima facie case of obviousness for these claims, but merely contended that the additional references fail to cure the previously-noted deficiencies (Br. 108).

Once the Examiner has satisfied the burden of presenting a prima facie case of obviousness, the burden then shifts to Appellants to present evidence and/or arguments that persuasively rebut the Examiner's prima facie case. *See Oetiker,* 977 F.2d at 1445. Since Appellants did not particularly point out errors in the Examiner's reasoning to persuasively rebut the Examiner's prima facie case of obviousness, the rejections are therefore sustained.

For the foregoing reasons, Appellants have not persuaded us that the Examiner erred in rejecting claims 4, 6-10, 13, 17, 19-30, 32-50, and 54-65. Accordingly, we will sustain the Examiner's rejections of those claims.

CONCLUSIONS

The Appellants have not shown that the Examiner erred by finding the following:

A. Regarding claims 4 and 17, Appellants have not shown that the Examiner erred by determining that the Buyukkoc and Noake combination teach the limitation of "propagating said signaling message to a policy server, said policy server including at least one policy profile associated with a plurality of policy features, each policy profile . . . feature of the plurality of policy features is to be invoked" as recited in claims 1 and 14 and the limitation of "wherein said signaling

message comprises a Release message" as recited in claims 4 and 17. The Examiner did articulate a motivation for combining the references which supported the legal conclusion of obviousness.

B. Regarding claims 6, 8-9, and 19-21, Appellants have not shown that the Examiner erred in reciting as motivation Chistie's teaching of call validation and generation of billing records.

C. Regarding claims 23 and 24, Appellants have not shown that the Examiner erred by finding that Christie teaches the limitation of "a destination address screening feature for defining a plurality of addresses to which said party can effectuate said call" and articulating the motivation of call validation and generation of billing records as taught by Christie.

D. Regarding claim 25, Appellants have not shown that the Examiner erred by finding that Christie teaches the limitation of "a source address screening feature for defining a plurality of addresses from which said call can be initiated to said party" and articulating the motivation of call validation and generation of billing records as taught by Christie.

D. Regarding claims 7 and 22, Appellants have not shown that the Examiner erred by finding that Farris teaches the limitations of "maximum call attempt rate limit" and "maximum call attempt rate limit feature for monitoring the number of Setup messages received from said party over a predetermined period of time" and articulating the motivation of providing acceptable/maximum specified rate of call attempts, as taught by Farris in the system of Buyukkoc, to detect the predetermined events and/or imminence of predetermined events, and then block or control those events from their incipiency as taught by Farris.

E. Regarding claim 10, Appellants have not shown that the Examiner erred by finding that VanDervort teaches the limitations of "maximum burst size feature" and articulating the motivation of controlling the flow of traffic and maximize the utilization of resources, as taught by VanDervort in the system of Buyukkoc. On the alternative rejection of claim 10 with Horn, Appellants have not shown that the Examiner erred by finding that Horn teaches the limitations of "maximum burst size feature" and articulating the motivation of avoiding overflow problems due to long bursts, as taught by Horn in the system of Buyukkoc.

F. Regarding claims 13 and 38, Appellants have not shown that the Examiner erred by finding that Basso teaches the limitation of "maximum concurrent call limit" and articulating the motivation of controlling concurrent connections/calls to provide efficient protection against signaling congestion is not conclusory and not based on hindsight.

G. Regarding claims 27-29, Appellants have not shown that the Examiner erred by finding that Basso teaches the limitation of "maximum burst size limit feature for limiting a burst-size request associated with said call" and articulating the motivation of providing flow control performed cooperatively by the network and the terminal equipment and simplifying call accepted control is not conclusory and not based on hindsight.

H. Regarding claims 32 and 33-35, Appellants have not shown that the Examiner erred by finding that Buyukkoc teaches the service class feature of constant bit rate (CBR) and variable bit rate service (VBR). Regarding claims 36 and 37, Appellants have not shown that the Examiner erred by finding that Kilkki teaches the ATM class services of unspecified bit-rate (UBR) and available bit-rate

(ABR). Furthermore, articulating the motivation of providing a capability to manage increases in network load, supporting both real-time and non-real time application, and enabling the service provider to interoperate between multi-vendor networks is not conclusory and not based on hindsight.

I. Regarding claims 39, 40-43, 45, 50, and 58, Appellants have not shown that the Examiner erred by finding that the combination of Buyukkoc and Gai teaches all the limitations of claims 39 and 58 and articulating the motivation of allocating network services and resources by applying high-level quality of service policies was not conclusory nor based on hindsight.

J. Regarding claim 44, Appellants have not shown that the Examiner erred by finding that the combination of Buyukkoc, Gai, and Noake teaches all the limitations of claims 39, 45 and 49 and that the articulated motivation is not conclusory nor based on hindsight.

K. Regarding claims 59, 60-62, 63, and 64, Appellants have not shown that the Examiner erred by finding that Buyukkoc teaches the service class feature of constant bit rate (CBR) and variable bit rate service (VBR). Appellants have also not shown that the Examiner erred by finding that Kilkki teaches the ATM class services of unspecified bit-rate (UBR) and available bit-rate (ABR). Furthermore, the motivation articulated by the Examiner of providing a capability to manage increases in network load, supporting both real-time and non-real time application, and enabling the service provider to interoperate between multi-vendor networks is not conclusory nor based on hindsight.

ORDER

The decision of the Examiner to reject claims 1-50 and 54-65 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

ELD

VERIZON
PATENT MANAGEMENT GROUP
1320 NORTH COURT HOUSE ROAD
9TH FLOOR
ARLINGTON, VA 22201-2909